

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1095 (Sub-No. 2X)

SMS RAIL SERVICE, INC.—ABANDONMENT EXEMPTION—IN GLOUCESTER
COUNTY, N.J.

Decided: August 24, 2017

This decision reopens this proceeding to correct the date by which consummation of the abandonment must occur.

On May 25, 2017, SMS Rail Service, Inc. (SMS), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 5.8 miles of rail line (the Line) within the 970-acre refinery owned by Paulsboro Refining Company, LLC (PRC), in Paulsboro, Gloucester County, N.J. Notice of the exemption was served and published in the Federal Register on August 11, 2017 (82 Fed. Reg. 37,651). The exemption will become effective on September 10, 2017.

The August 11, 2017 notice erroneously indicated that SMS must file a notice of consummation by August 13, 2017. In fact, the deadline for SMS to file a notice of consummation is August 11, 2018. SMS filed a notice of consummation dated August 13, 2017, on August 14, 2017. Because the exemption will not become effective until September 10, 2017, the Board will hold the notice of consummation until then and will deem it to have been filed at that time.

It is ordered:

1. The deadline for SMS to file a notice of consummation is August 11, 2018. The notice served and published in the Federal Register on August 11, 2017, in this proceeding is modified to that extent.
2. The notice of consummation filed by SMS on August 14, 2017, will be held until September 10, 2017, and deemed filed at that time.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.